

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 144/2026

1. Raghuveer Singh Lohia, Son Of Late Tehal Singh Lohia, Age Approximately 65 Years, Resident Of 33 Ascot Road, Edmonton, London N 18 2 PU.
2. Narain Singh Lohia, Son Of Late Tehal Singh Lohia, Age Approximately 61 Years, Resident Of 115 Stirling Road, Wood Green, London N22 5BN.
3. Balwinder Kaur Lohia, Wife Of Late Wazir Singh Lohia, Age Approximately 61 Years, Resident Of 148 Higham Road, Tottenham, London N17 6NS.
4. Daljit Kaur Lohia, Daughter Of Late Tehal Singh, Wife Of Dalip Singh, Age Approximately 53 Years, Resident Of 1 Thistle Court, Wood Mill Road, London E5 9GU.

----Appellants/Plaintiffs

Versus

1. Naresh Kumar Lohia, Daughter Of Late Tehal Singh Lohia, Age Approximately 54 Years, Resident Of 68 Albany Road, Enfield, Middlesex EN3 5UE.
2. Harsharan Kaur Lohia, Daughter Of Late Tehal Singh Lohia, Age Approximately 49 Years, (Wrongly Mentioned In Hindi As Resident Of 68 Albany Road, Enfield, Middlesex EN3 6NP In Suit) R/o 80 Beaconsfield Road Enfield Middlesex EN3 6AP
3. Paramjit Kaur Lohia, Daughter Of Late Wazir Singh Lohia, Wife Of Harvesh Singh, Age Approximately 41 Years, Resident Of 148 Higham Road, Tottenham, London N17 6 NS.
4. Satnam Kaur Lohia, Daughter Of Late Wazir Singh Lohia, Wife Of Rashpal Singh, Age Approximately 39 Years, Resident Of 148, Higham Road, Tottenham, London N17 6NS. E-Mail s-k@hotmail.co.uk
5. Sandesh Kaur Lohia, Daughter Of Late Wazir Singh Lohia, Wife Of Resham Singh, Age Approximately 37 Years, Resident Of 148 Higham Road, Tottenham, London N17 6NS.
6. Priti Kaur Lohia, Daughter Of Late Wazir Singh Lohia, Age Approximately 32 Years, Resident Of 148 Higham Road, Tottenham, London N17 6NS. E-Mail p k @hotmail.co.uk.

----Respondents/Defendants

For Appellant(s) : Mr. Ajeet Bhandari, Sr. Adv.
Mr. Vaibhav Bhargava

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

20/04/2026

Learned counsel for the appellants submits that the plaint filed by the appellants for partition of the property in question has been rejected by learned Additional District Judge, Laxmangarh (Alwar) (hereinafter referred to as learned 'trial Court') vide impugned order dated 26.11.2025 on the basis that there is no ground of filing the suit as the Will has already been executed in favour of the respondents and the respondents have also been granted probate in their favour.

Learned counsel for the appellants further submits that in probate proceedings, only the genuineness of the Will is to be ascertained. The title of the property cannot be decided in the probate proceedings, therefore, learned trial Court has wrongly rejected the plaint filed by the appellants.

Learned counsel for the appellants has drawn the attention of this Court towards the judgment passed by the Hon'ble Supreme Court in the case of **Kanwarjit Singh Dhillon Vs. Hardyal Singh Dhillon & Ors.** reported in **(2007) 11 SCC 357**.

The matter requires consideration.

Issue notice of the appeal as well as of stay application to the respondents by both modes i.e. by ordinary course as well as by registered post, returnable within four weeks. Requisites be filed within a period of one week.

List the matter after four weeks.



In the meanwhile, the parties are directed not to create any third party interest with regard to the property in question.

(ASHUTOSH KUMAR),J

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